TRADE MARKS AND TRADE NAMES—TITLE OF PUBLICATION. NEW YORK HERALD v. STAR CO. 146 Fed. 204.—*Held*, that complainant was entitled to protection in the trademark "Buster Brown," tital of a comic section of a newspaper, as having used it exclusively for such a length of time as to acquire a proprietary right therein.

A sign, symbol, word or device which indicates origin or ownership of articles manufactured or sold, or an arbitrary symbol to distinguish a vendible commodity is a legal trademark. *Burton v. Stratton*, 12 Fed. 696 *Gowans v. Aklbrn Bros.*, 4 Kulp. (Pa.) 31. This is true independent of any statute. *L. H. Harris Stove Co. v. Stucky*, 46 Fed. 624, *La Croix v. May* 15 Fed. 236. The title in the main case is not merely descriptive words, *Spreker v. Lash*, 102 Cal. 38; *C. F. Simmons Medicine Co. v. Mansfield Drug Co.*, 93 Tenn. 84; and the right to its exclusive use does not rest upon any property right therein, but upon priority of use and application as in the manner used by complainant, *Walton v. Crowley*, Fed. cases No. 17,133. Still such use may give rise to property rights which the law protects, *Clark v. Clark*, 25 Barb. (N. Y.) 76. A trademark is not essentially exclusive, *Clark Thread Co. v. Armitage*, 67 Fed. 904, only the particular application is protected, *Amoskeag Mfg. Co. v. Trainer*, 101 U. S. 57; and only at the residence of the user, *Sarton v. Schoder*, 101 N. W. (Iowa) 516. Registration may be re-required for full protection. *Whittier v. Dietz*, 66 Cal. 78.

TRADE-MARKS AND TRADE-NAMES—UNFAIR TRADE—REPAIRS FOR UNPATENTED MACHINE.—ENTERPRISE MFG. CO. V. BENDER, ET AL., 148 FED. 313 (O.)—Complainant manufactured and sold an unpatented meat chopper called the "Enterprise," which name was registered as a trade-mark, and also parts for replacing those that had become worn, which were marked with complainant's name. Defendants also made such replacing parts, selling them in packages marked to show for what machine they were made and by whom, but the parts themselves were not identified by any mark. *Held*, that defendants, while having the right to make and sell the parts, were not entitled to do so without clearly marking the same to prevent their being mistaken by retail purchasers for those made by complainant for its own machines.

In the absence of a patent the freedom of manufacture cannot be cut down under the name of preventing unfair competition. *Singer Mfg. Co. v. June Mfg. Co.*, 163 U. S. 169. But in making such article the public must not be led to believe it the product of another, *Schener v. Muller*, 74 Fed. 225. It is enough that such similitude exists as would lead an ordinary purchaser to suppose that he was buying the genuine article and not the imitation; and it is not necessary that the resemblance should be such as would mislead an expert. *Shaw Stocking Co. v. Mack*, 12 Fed. 707. The primary object and purpose of such mark, name or symbol is to distinguish each of the articles to which it is affixed from like articles produced by others, seems to be the clear consensus of all the cases which are authoritative, *Canal Co. v. Clark*, 13 Wall. 311; *Mill Co. v. Alcorn*, 150 U. S. 460.

WATERS AND WATER COURSES—NAVIGABLE RIVERS—RIPERIAN RIGHTS.—KINKEAD V. FURGESON, 109 N. W. (NEB.) 744.—*Held*, that where the Missouri river suddenly changes its course and abandons its former bed, the respective riparian owners are entitled to the possession and ownership of the soil formerly under its waters as far as the thread of the stream.